



WHEREAS, Defendant Sony Corporation of America's ("Sony's") response to Plaintiff's Amended Complaint is due on September 16, 2009;

WHEREAS, Plaintiff filed a Stipulation to File a Second Amended Complaint on September 15, 2009;

WHEREAS, this extension will provide time for the Court to determine whether accept the parties stipulation regarding Plaintiff's Second Amended Complaint; and

WHEREAS, this additional time will not interfere with any other deadlines set by the Court in this matter.

### STIPULATION

Pursuant to Local Rule 6-1(a), IT IS HEREBY STIPULATED AND AGREED by the parties, through their counsel, that the time within which Sony shall be required to file its answer, motion, counterclaim, cross-claim and/or other responses to Plaintiff's Amended Complaint in this action shall be extended to and including September 30, 2009 or such other time as may be required to respond to a Second Amended Complaint if allowed by the Court.

APPROVED AS TO FORM AND CONTENT

DATED: September 16, 2009

STEVEN M. BAUER  
MICHAEL A. FIRESTEIN  
JACOB K. BARON  
PROSKAUER ROSE LLP

/s/ Jacob K. Baron

Jacob K. Baron

Attorneys for Defendant,  
Sony Corporation of America

1 DATED: September 16, 2009

2 DAVID N. KUHN

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4 /s/ David N. Kuhn

David N. Kuhn

5 Attorney for Plaintiff,  
6 Gregory Bender  
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DECLARATION PURSUANT TO GENERAL ORDER 45, § X.B

I, Jacob K. Baron, hereby declare pursuant to General Order 45, § X.B, that I have obtained the concurrence on the filing of this document from the all the signatories listed above.

I declare under penalty of perjury that the foregoing declaration is true and correct.

DATED: September 16, 2009

/s/ Jacob K. Baron

Jacob K. Baron

**~~[PROPOSED]~~ ORDER**

Having considered the foregoing Stipulation, and good cause appearing,

(1) The time within which Sony shall be required to file its answer, motion, counterclaim, cross-claim and/or other response to Plaintiff's Amended Complaint in this action shall be extended to and including September 30, 2009 or such other time as may be required to respond to a Second Amended Complaint if allowed by the Court.

IT IS SO ORDERED

DATED: September 16, 2009

The Honorable Charles R. Breyer  
Judge of the United States District Court,  
Northern District of California

